Corporate Engineering
Technical Center
111 South Railroad Avenue
Selah, Washington 98942-0248
509.697.7251 x1613 fax: 509.698.1526
jdavis@treetop.com

November 6, 2006

Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Attention: Jim La Spina, Permit Writer

Reference: Comments on October 9, 2006 Draft ISWGP

Dear Jim:

Thanks again for the chance to be part of the ISWGP External Advisory Committee. The permit will have significant effects upon industrial dischargers, and I appreciated the opportunity to be part of the process.

However, I had hoped that the outcome would include permit revisions that allow time for statistically-valid data collection, provide a reduced number of benchmarks and action levels that are more closely related to water quality, and allow reasonable time for implementation when capital and/or treatment BMPs are needed. Instead, Ecology's proposed changes are mostly superficial and will not significantly improve the existing permit in these key areas.

In preparation for these comments I reviewed portions of EPA's multi-sector general permit. The differences between the MSGP and the draft ISWGP are stunning. The ISWGP is far more stringent, and justification has not been provided in the Fact Sheet or EAC meetings. Ecology has strayed far beyond the minimum requirements for a stormwater permit.

As one example, the MSGP establishes only a single easily-tested benchmark for most sectors of the food processing industry (suspended solids), and this parameter acts as an indicator to determine whether or not problems could exist and further attention is justified. The ISWGP begins with a suite of benchmark parameters for food processors, regardless of whether or not there is significant potential for water quality impacts.

The MSGP should be used whenever possible, i.e., whenever not in conflict with strict legal requirements in Washington (including historical litigation and legislation concerning the ISWGP).

More specific comments follow.

- **Sampling**

The change from rigid quarterly to flexible wet season sampling is a welcome improvement, especially for sites located in Eastern Washington. The new approach will yield data that are more indicative of receiving water impacts and will eliminate the current near-impossibility of obtaining a meaningful dry season sample.

- **Taking Variability of Monitoring Data into Account**

Stormwater monitoring data exhibit wide variability, and averages would better reflect the overall impacts upon receiving waters. The MSGP recognizes this by using averages for comparison to benchmarks.

Corrective actions, especially Level 3 and above, should be triggered by data collected over longer periods of time. At least 8 and preferably 20 data points (5 years of data) should be the basis for triggering Level 3 and then followed by a similar amount for data collection before taking actions beyond Level 3.

- **Benchmarks and Action Levels**

It was disappointing to see the present permit's benchmarks and action levels continued without changes. Regardless of how they are labeled, these concentrations function as slow-motion effluent limits and will ultimately require substantial expenditures to achieve compliance. They should be more directly related to the potential for water quality impacts and should take into account the body of stormwater monitoring data that has been gathered during the last two years at sites in Washington.

There are far too many benchmark parameters, especially at the lowest corrective action level. For most industrial categories a simple indicator parameter such as suspended solids could be used for initial samples. Additional parameters could be added at Level 2 or Level 3.

Precipitation east of the Cascades is very low, and concentrations will generally be much higher than on the west side. This automatically stacks the deck against east-side dischargers since the benchmarks and action levels are based on concentration rather than mass. Appropriately-adjusted benchmarks and action level concentrations should be added to the permit for east-side dischargers.

The triggers for corrective actions above Level 1 are open-ended. If the specified number of exceedances ever accumulate, then the corrective action is required. This will eventually occur for essentially all dischargers. A more reasonable approach would be to set rolling requirements. e.g., four of the most-recent eight samples.

- **ESSB 6415**

The investigations required by ESSB 6415 appear to have been largely ignored by Ecology. Many of the consultant's recommendations for permit changes made sense, and were good attempts to improve the science behind the permit. These changes should be implemented now, not at the end of the next permit cycle as mentioned in an EAC meeting.

- **Visual Inspections**

The increase in visual inspection frequency from quarterly to monthly is unnecessary. Tree Top's experience has been that the people involved with the stormwater program know what's going on around the plants. If a change to the SWPPP is needed it will be known, and more frequent inspections will simply waste time and paper.

- **Level 4**

The requirements for a Level 4 corrective action clearly go beyond the concept of a general permit. When a facility reaches the level that treatment for discharge to surface water will be required, then an individual permit is needed. If Ecology is going to set overly-stringent action levels that will result in widespread construction of stormwater treatment facilities, then Ecology needs to administer the resultant flood of individual permits. Level 4 should be eliminated from the draft.

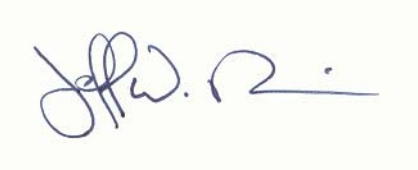
A Level 4 corrective action includes many of the requirements of facilities planning appropriate for major dischargers of industrial or municipal wastewater. Nevertheless, Level 4 would be required with only the slightest provocation: when two samples exceeded an action level. Given the variability of stormwater it would only be a matter of time until any facility would accumulate two exceedances. If Ecology is determined to include a Level 4 corrective action in

the permit, then it should only be required only after a clear failure of the Level 3 actions, e.g., after four consecutive exceedances or when the 8-sample rolling average exceeds the action level.

- **Corrective Action Time Allowances**

The ISWGP allows only 6 months for construction of Level 2 capital projects and only 12 months for construction at Levels 3 and 4. This is inconsistent with the compliance schedules that are commonly negotiated by Ecology in connection with industrial and municipal wastewater facilities under individual permits. The amount of work that will go into planning, design, and construction of facilities under the ISWGP will often approach that required of individual permittees with much larger systems. The time limits in the draft ISWGP should be at least doubled.

Sincerely,
Tree Top, Inc.



Jeff W. Davis
Civil Projects Engineer

Transmitted by email on November 6, 2006
Copies: NWFPA – Craig Smith, Tree Top – Jerry Kobes, file